

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 03-126-01 (Gardner, J.)
v. : DATE FILED: 2/25/03
JUSTIN FORD :
: VIOLATIONS: 18 U.S.C. § 924(a)(1)(A)(False
: statements-10 Counts)
: 18 U.S.C. § 2 (Aiding and
: abetting)
: Notice of Forfeiture

INDICTMENT

COUNTS ONE THROUGH TEN

THE GRAND JURY CHARGES THAT:

AT ALL TIMES MATERIAL TO THIS INDICTMENT:

1. Jake's Gun Shop, 235 South Main Street, Nazareth, Pennsylvania, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal law.
2. Two Rivers Army and Navy Store, 36 North 3rd Street, Easton, Pennsylvania, possessed an FFL and was authorized to deal in firearms under federal law.
3. C & D Coin & Gun Shop, Inc., 231 East Broad Street, Bethlehem, Pennsylvania, possessed an FFL and was authorized to deal in firearms under federal law.
4. Dunkelberger's Sports Outfitter (Jere Dunkelberger), 585 Main Street, Stroudsburg, Pennsylvania, possessed an FFL and was authorized to deal in firearms under federal law.
5. Toonerville Junction, 522 West Maple Street, Allentown, Pennsylvania,

possessed an FFL and was authorized to deal in firearms under federal law.

6. Army and Navy Store (Kayton Company), 1045 Grape Street, Whitehall, Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal law.

7. FFL holders were licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), govern the manner in which an FFL holder may sell firearms and ammunition.

8. The rules and regulations governing FFL holders required that a person seeking to purchase a handgun fill out a “Firearms Transaction Record,” ATF Form 4473. Part of the Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. The Form 4473 contained language warning that “[t]he federal firearms laws require that the individual filling out this form must be buying the firearm for himself or as a gift. Any individual who is not buying the firearm for himself/herself or as a gift, but who completes this form, violates the law.”

9. A person who purchases a firearm for another person and falsely completes the Form 4473 is a "straw purchaser."

10. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder.

11. On or about each of the dates specified in the chart below, in the Eastern District of Pennsylvania, defendant

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knowingly made, and aided, abetted and wilfully caused a false statement and representation to be made with respect to the information required to be kept in the records of a federally licensed firearms dealer in connection with the acquisition of each of the firearms listed below, from the federally licensed firearms dealers listed below, in that TM, a person known to the grand jury, at the direction of defendant JUSTIN FORD and others known to the grand jury, falsely represented in Department of Treasury Form 4473, Firearms Transaction Record, that TM was the actual buyer of the firearms described below, when in fact the defendant JUSTIN FORD and the persons known to the grand jury knew those representations to be false.

	DATE AND FFL	FIREARM(S) PURCHASED
1	October 26, 2001 Jake's Gun Shop, 235 S. Main Street, Nazareth, Pennsylvania	1 Bulgarian, model Makarov, 9x18 pistol, serial number NH 253 711
2	October 28, 2001 Two Rivers Army & Navy Store 36 North 3rd Street, Easton, Pennsylvania	1 Jennings, model J9N, 9mm pistol, serial number 1460674
3	November 2, 2001 C & D Coin & Gun Shop, Inc. 231 East Broad Street, Bethlehem, Pennsylvania	1 Jennings, model J9, 9mm pistol, serial number 1464020 1 Jennings, model J9, 9mm pistol, serial number 1464019
4	November 5, 2001 Dunkelberger's Sports Outfitter (Jere Dunkelberger), 585 Main St., Stroudsburg, Pennsylvania	1 Sterling, model 302, .22 caliber pistol, serial number E62919

5	November 5, 2001 Two Rivers Army & Navy Store 36 N. 3rd St., Easton, Pennsylvania	1 Jennings, model J9N, 9mm pistol, serial number 1460673
6	November 9, 2001 Jake's Gun Shop, 235 S. Main Street, Nazareth, Pennsylvania	1 Bersa, model 383, .380 caliber pistol, serial number 260 760
7	November 19, 2001 Toonerville Junction, 522 W. Maple Street, Allentown, Pennsylvania	1 Hi Point, model JS9, 9mm pistol, serial number 096204
8	November 29, 2001 Jake's Gun Shop, 235 S. Main Street, Nazareth, Pennsylvania	1 Astra, model A 75, 9mm pistol, serial number 1157C
9	December 3, 2001 Jake's Gun Shop, 235 S. Main Street, Nazareth, Pennsylvania	1 Intra Tec, model TEC 9, 9mm pistol, serial number E003713 1 Russian, model Makarov, 9x18 pistol, serial number BHE1868
10	December 5, 2001 Toonerville Junction, 522 W. Maple Street, Allentown, Pennsylvania	1 Smith & Wesson, model 30, .32 caliber revolver, serial number 31004/573658

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A) and 922(g)(1) as set forth in Counts One through Ten of this Indictment, defendant

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shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C.

§ 2461(c), all firearms involved in the commission of these offenses, including, but not limited to:

- a. Bulgarian, model Makarov, 9x18 pistol, serial number NH 253 711;
- b. Jennings, model J9N, 9mm pistol, serial number 1460674;
- c. Jennings, model J9, 9mm pistol, serial number 1464020;
- d. Jennings, model J9, 9mm pistol, serial number 1464019;
- e. Sterling, model 302, .22 caliber pistol, serial number E62919;
- f. Jennings, model J9N, 9mm pistol, serial number 1460673;
- g. Bersa, model 383, .380 caliber pistol, serial number 260 760;
- h. Hi Point, model JS9, 9mm pistol, serial number 096204;
- i. Astra, model A 75, 9mm pistol, serial number 1157C;
- j. Intra Tec, model TEC 9, 9mm pistol, serial number E003713;
- k. Russian, model Makarov, 9x18 pistol, serial number BHE1868; and
- l. Smith & Wesson, model 30, .32 caliber revolver, serial number
31004/573658

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United

States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney